App. F. IX-4

1943. (Secret)

File No. 95:43

Previous References.
Secret 95:43-1/2
& 397-41-1-5.

Serial Nos. 3.

Later References.
Secret 3 of 44.
21-45-(1-11). B. July 47

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Three

Part B for June 1944.

SUBJECT Management of Assumption of the Rajaji Salam Mosque, Sampige Road Bangalore City.

G.O. No. R. 65-56. S. dated 13.5.44.

To the Municipal Commissioner
Corporation
Dy. Comr. Bangalore &c.

Direct that in Rajaji Salam Mosque be taken under Government management for a period of three years

[3] Petition dated the 6th December 1943 from the Muthuvallies of Rajapatalam Mosque, No. 25 IV Cross Road, Chamarajapet, Bangalore City, praying that the institution may be assumed under Govt management subject to any condition that Govt may impose.

(1) Minute of the minister on the P.C.B "under secy. Please put up paper

(2) The facts of the case are noted in the report of the D.C dated 5th February 1943 and the M C S letter dated the 12th March 1943 and are briefly as follows:-

(3) The Muthuvallies having sent a petition to Khan Bahadur Mohamed Abbas Khan urging that Rajapatalam Mosque may be taken under the Management of Govt. he sent an application to this office recommending that the prayers of the Muthuvallies may be granted. A report having been called for from the M.C. necessary local enquiries were made, and as the local officers including the D.C., proposed that the institution may be taken under Govt. management the M.C. supported their proposal and requested that although the affairs of the Mosque were not mismanaged, it may be assumed under Govt. management as urged by the Muthuvallies

(4) Govt however declined to sanction the proposal. Reference is invited to Paras 11-14 of the notes on Mus. File No. 397-41, and a reply was sent to Khan Bahadur Abbas Khan that his request cannot be complied with

(5) The parties petitioned to this office in the month of August 43 through their counsel praying that Govt. may re-consider their orders refusing to direct the assumption of the institution, but as no cogent grounds for revising the orders were found, they were informed accordingly.

(6) The present petition is a copy of the above petition (presented in August 43) Subd. for orders

(7) [illegible]

OFFICE OF THE MINISTER FOR R[illegible] & LAW
11 DEC [illegible]3
No 3459.

Continuation Sheet. Encl. to Govt. Order No. 2424/R dated 25-11-43 File No. Current No. 95 of 1943

(10) Law Secy.

2/12/43

SECY. LAW DEPT. 6037 (11) 13 GOVT OF MYSORE

S.R

4-12-43

A-O-R-No. 90/4/21

(12) Ref. to a Short note with Telegram. Memo

3/22/12/43 Mun Br) 4.1.44.

(13) The Mosque is stated to have been constructed on the land granted more than a century ago by Govt. For the reconstruction of the building Govt. have recently contributed a sum of Rs. 2,300/- 12 houses have been built in the vicinity of the Mosque to ensure regular income for its maintenance and at present the annual income is Rs. 732/- and the annual expenditure Rs 689/- leaving a surplus balance of Rs. 93/- towards reserve.

(14) The properties are free from encumbrances (as noted in the trust deed) and the managing committee consists of five persons including the President who are the descendants of the original grantees – military personnel and residents of the area surrounding the institution. One of the conditions of the trust deed is that the institution is liable to be assumed with its properties under Govt. management if the committee mismanages its affairs or act contrary to Muslim Law

(15) In the present instance there is no mismanagement but the Muthawallies have voluntarily offered to transfer the Mosque to Govt management, so that it may continue to flourish under the control of Muz. Deptt. Under Sub-Section (6)(vi) of Section 14 of the M.R.C.I. Act the institution

sion of Mungrai Manual are available here. A request has been sent to the Dy. Deputy for Chapters

may be taken under Govt. management, permanently.

(16) Subd. with reference to para 12 supra.

(Pol. Secy. 6144 by Protection Branch)

Subd. 10/1

(17) Then does not seem to be any legal objection at all to take over Mrs Religious Institutions under management even if Sec 14 of the R & C D. Act is to be effective. Then "Govt may undertake either temporarily or permanently the management of a public religious or charitable institution" in respect of which a trust is created.

(18) (a)(vi) When the person in actual management or appointed manager of trust desires to be discharged from the trust &c"

(19) I think the facts of the present case fall squarely within the principle laid down in Sec 14, and as such, I do not think there is any legal objection to take over the institution under Govt control

Law Secretary) 3 21/1/44

(20) 21/1/44

(21) Chief Secy) Revenue) 3 21/1/44.

(22) The Minister for Law may please

abstracted of the terms of management
in Govt. As the Land Secretary also
(Waker Khan) is submitting orders
must issue accordingly

21/1

(23) Refee — orders of the Minister as
paras 8 and 9

(24) The mosque in question is not
recipt of any land or cash grant.
~~Hence it~~ from Govt. Hence it is not
a wakf institution. It does not
become one merely by the fact
that Govt agree to take it over
under Govt management under S
14 (6) (vi) of the Act whether the
assumption of management is to be
permanent or on a temporary basis
has to be made clear in the Govt
order. The main source of the mosques
income is rent for buildings attached
to it. The present annual expenditure
as stated to be Rs 639 and the surplus
Rs 93/-. Details for expenditure have
not been furnished as also the details
of the Estt now employed. It is stated
in the Dy's report dt. 5.2.63 that
4 muezzins are working in the

24)
are now in Keystone Road Blocks
- pointing for taking over management by Govt

Sheet. 5 File No. Current No. 95' of 4.3.-44 Page. 5

Mosque in an honorary capacity. Whether they will continue to do so hereafter or whether they will have to be remunerated for their services is not clear. The rent for buildings is a fluctuating item and a time may come when it will be inadequate to support the institution. In such an eventuality Govt will have to either supplement the income by a cash grant or ask the Community to take back the institution under its management. In the circumstances it is a point for orders whether the M.C. may be asked to make further enquiries and submit a report regarding the self-supporting character of the institution

Mr R 22) CC1 M 1.44

25) M. Ys.

A

OFFICE ... FOR ... 25 JAN ... No. 4327

26)

No. 5,744/44 CC1 Dated 28-1-44 27/1

Forwarded with Compliments to the Honorary Secretary Khoja Jamaat for favour of a return.

Copy forwarding Circuit inspection Memorandum

2871/44

No. M1 - 2654/43-44
Enc. 1 file of records.

'R' (27)

Returned with compliments

A copy of ~~the~~ Deputy Commissioner's letter No.Muz.3683/43-44 dated 12th April 1944, which furnishes replies to all the points raised in para 24, supra, is placed below The Institution may be taken under the management of Government, as it is reported by the Deputy Commissioner that the Institution is self-supporting and could admit of the levy of necessary Establishment and Reserve Fund charges.

20-4-1944.

Muzrai Commissioner.

28) The local officers are stated to have inspected the premises and the buildings and to have recommended that the institution might be taken under the management of Govt. It is stated to be self-supporting and to admit of the necessary Estt & Reserve Fund Charges. The D.C. Bangalore agreeing with the local officers, recommends the institution being taken under the management of Govt The H.C. has expressed the same opinion in his Memo note above at A.

29) Submitted for orders with reference to paras 24 and 25 supra.

30)

3566/44

...ISTER
... LAW
1944
120

The MCs recommendation may be accepted

32) [illegible] 26/4

29/4

(33) Submitted both a draft G.O Sanctioning and an Endorsement to the petitioners.

[illegible] — (34)

G. O No R 6556-58/ dated 13/5/44
To The Municipal Commr with records
" Comptroller
" D.C Bangalore.

Directs that the Rajapalaram mosque be taken under Govt management for a period of 3 years

No R 6559/ 13/5/44
To Muthuwalli Abdul Jaleel & others Hyder Road, Informs that orders have been issued in the matter.

No:Muz:3683/43-4.

OFFICE OF THE DEPUTY COMMISSIONER,
Bangalore District,
Dated. Bangalore. 12th April. 1944.

From

Mahomed Ismail Sheriff, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

Rajasevaprasakta
M. Seshadri, Esq., M.A.,
Muzrai Commissioner in Mysore,
Bangalore.

Sir,

Subject:- Assumption of the management of the Raja patalam mosque, Mysore Road, Bangalore City - Recommends the.

With reference to your letter No:N1-2654/43-44 dated 5th February 1944, asking for a report on certain points on the above subject, I have the honour to state as follows:-

1) It is the desire of the Muthuvalis who are at present managing the affairs of the mosque that the management of the mosque be taken over by Government permanently, classing it under minor institutions.

2) In their statement before the Amildar on 6-3-4 the muthuvalis state that they would continue to evince t same interest in the affairs of the institution, even after the management of the mosque is assumed by Government to work as heretofore on the honorary basis, without expecting any remuneration.

3) The houses constructed on the mosque fetch an - annual rent of ₨.732/- at present (or ₨.61/- per mensem)

From the statement of the muthuvalis, it is seen that the income is not likely to fall while as a matter of fact, better income is expected by leasing out the houses, in public auction. The local officers are also of the same opinion and have stated that the houses are substantially constructed and are likely to appreciate in the value in -- course of time considering the location of the buildings. In the event of any fall at all, (this is only a contin e)

4) The institution is self-supporting and its financial position is capable of allowing the recovery of the necessary establishment and Reserve Fund charges at the rates specified in your letter A draft scale with due provision for these items, prepared by the Amildar is enclosed in the file, as desired.

5) As regards the utilization of the amount of Rs.650-9-8 now in deposit at the credit of the institution, for the improvement of the buildings with a view to improve the resources of the institution, the Amildar reports that the amount is too small to meet the cost of improvements in view of the present prohibitory cost of materials and labour and suggests the investment of the amount in 7(a) Charitable Deposits as agreed to by the mutvallis, so that the interest earned will go to augment the resources of the mosque. This proposal may not perhaps be possible of acceptance, as there will be nothing left at the credit of the institution, to meet any unforeseen and urgent expenditure. The amount of Rs.650-9-8 referred to may for the present be allowed to remain at the credit of the institution as a reserve to meet emergent expense instead of locking it up in investments which is also otherwise open to objection from the religious point of view, -- interest being prohibited cannot be utilised for maintenance of a religious institution.

6) In this connection, kind reference is invited to your orders P.C. 172/34-35 dated 8-5-36 and P.C.236/41-2 dated 7-2-42 sanctioning Rs.2300/- and Rs.100-0-0 respectively towards the construction of the mosque and its ornamental entrance out of the state and general Muzrai funds.

The local officers have inspected mosque and the buildings with mutavallis and other devotees on 3-3-44 and in consultation with them they have submitted the above proposals. It is stated that there is vacant site for constructing further buildings and that the existing buildings are substantially strong. They recommend that the institution may be taken under Government management, treating it as a minor institution, and I agree with them.

After orders are passed, steps will be taken to constitute a Committee for the management of the affairs of the institution and to sanction the Scale of Income and Expenditure, with suitable - modifications.

The connected file of Vernacular records ending with Bangalore Sub Division Officer's memo No.B2-364/43-44 dated 11-3-44 is -- enclosed for favour of reference and early orders.

I have the honour to be,
Sir,
Your most obedient servant,

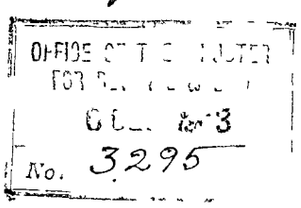
for DEPUTY COMMISSIONER,
Bangalore District.

AKR.

Survey 95:43.3

To

Before The Minister for Revenue & Law,



Memo of Interview.

Petitioners:- Muthuvallie, Abdul Jaleel, Ex- Subedar Major, Mysore Infantry, Managing Trustees, Rajapattalam Mosque, No. 25, IVth cross Road, Chamarajpet, Mohammedan Block, Lysore Road, Bangalore city.

Subject:- Rajapattalam Mosque in Mysore Road, Bangalore city, - management of the above to be taken over by Government in the Muzrai Department.

Sir,

We, the Muthuvallies and other devotees of the above Mosque beg to state as follows for your kind and sympathetic consideration:-

1. During the time of Nouzder Langaraj Urs Bahadur His Highness the late Maharaja of Mysore was pleased to grant free land in the Mysore Road for the construction of the above mosque and also some financial assistance during March 1825

2. After the Bar Force situated till then in the Mysore Road was transferred to Hebbal during March 1927 about 17 years ago, the above mosque which was till then maintained by the Muslim Sepoys of the Bar Force, was handed over to the management of Military Pensioners who had settled themselves in the locality.

3. Since the mosque was in a dilapidated Condition His Highness' Government were graciously pleased to sanction a grant of ₹. 2,400/- from the General Muzarai Funds for its restoration during the year 1936. This amount was further supplemented by the Muthavallies who raised the subscriptions from the Muslim devotees to the extent of ₹. 10,000/- . Thus with a total contribution of ₹. 12,400/- the above mosque was re-constructed with the additions of a Musafarkhana, water cistern, latrines etc.

4. With a view to secure a permanent source of income for the efficient management of mosque, the Muthuvallies raised further donations from the Muslim public to the extent of ₹. 6,000/- and they have utilised this amount for the construction of eleven decent tiny houses and also a compound wall for the premises of the mosque. In all they have spent a sum of ₹. 18,400/- for the mosque in question, its out-houses and compound wall. The present value of the institution as it stands to-day may be estimated approximately to be ₹. 40,000/-

5. The Institution as such is reaping a monthly income of ₹. 61/- and is incurring an expenditure of ₹. 41/- every month towards establishment charges details of which have already been furnished in the previous records. There is ₹. 650-9-8 in the Savings Bank account.

6. It is the earnest desire of all the devotees in general and of the Muthavallies in particular, that the above Institution which is situated in the heart of the City Road, Bangalore City may be taken up for management by His Highness Government in the Muzrai Department

7. The Bangalore Taluk and District authorities were pleased to enquire into the whole matter in detail, to draw up the necessary mahazar, to study the legal and administrative aspects of the prayer of the petitioners and to submit their recommendations during the year 1942-43 to the benign Government for taking over the management of the institution under Government control. To the greatest mis-forture of the petitioners and of the devotees the above recommendation was not sanctioned and they are unable to conceive any tangible reasons for the course adopted by the benign Government in this behalf (vide. General Secretaries endorsement No. 8346/M.U.Z. 397-41-5 dated 9th April 1943). It, is in this order that the petitioner now seek to be reconsidered sympathetically in their favour and they humbly pray that the said order may be cancelled and their request granted.

8. They request that the benign Government may be further pleased to consult the present Muzrai Commissioner in Mysore, in the matter and kindly to see their way to order the management of the Institution being taken over by the Muzrai Department. The petitioners beg to represent further that there are no legal or administrative impediments for the benign Government to grant the prayer of the petitioners

9. In this connection the petitioners humbly state that there has been a very large number of Hindu Institutions under Government whereas the number of Muslim Institutions under Government management is the smallest and can be counted by fingers. The petitioners beg to assure them every possible facilities for the smooth working of the

institution be taken over under Government

In the above circumstances the petitioners humbly that the Foreign Government may be graciously pleased to accede to their requests of April 1945 and to order that the institution be taken over under Government and that the Muzaffarid Department subject to any conditi might be pleased to impose in that behalf.

And which act the petitioners,

As in duty bound, shall ever pray.

Dated this 10th day of December, 1945.

Yours most obediently,

(1) Sd/- Abdul Jaleel Sultan Bahadur Rtd.

(2) Sd/- Sultan Khan Sultan Bahadur Rtd.

(3) Sd/- Hussain Ex Sultan

RTS.

Diary No. of letter replied to .. ..

General and Revenue Secretariat.

( )

the *194* .

Date of issue ..... 13. 4. .... 1944.

M.C. 6/4

Signed by ..... (Sd/- S.K.V.) .....

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(vi) published in the Gazette, Kannada Part ?

Mysore Dom, Bangalore City

Section. Jud

File No. 95-43

Serial No. 4.

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— No R 1995/Jud 95-43 -2 dd 24/9/43 declining to re-consider the orders of Govt regarding the assumption by Govt of the management of the Rajapalayam, Mosque Mysore Road, Bangalore city

2. petition dated the 6th Dec 1943 from the Muthuvallis of the Rajapalayam Mosque requesting ~~Order thereon.— No.~~ ~~agaan~~ that the ~~institution~~ mosque may be taken under Govt ~~assumed~~ the management of

Subject to any condition Govt may impose.

3 & o Note No. N1-2654/43-

dated 20/4/44 from the Mngr
Cennr in the matter.

Order R6556-58/

The Muthuvallis of the above mosque have submitted several representations to Govt praying ~~for the Assumption of the institution under the Management of Govt.~~ that the institution may be taken under the management of Govt. The Asst Commr who was consulted in the matter has reported, ~~after due enquiry~~, that the institution is self-supporting and admits of the levy of necessary Establishment and Reserve Fund charges, and that the same may be taken under the management of Govt. Govt observe that in the present case, there is no mismanagement of the institution, and that there is, however, no legal objection to take the institution under the management of Govt., particularly in view of the fact that the Muthuvallis of the mosque repeatedly and voluntarily offered to transfer the institution to the management of Govt.

List of Enclosures

Copied by

Examined by

In the circumstances, Govt are pleased to direct that the Rajapalayam mosque be taken under the

WD 04162—GPB—60,000—23 10 41

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

management of Govt. for a period of three years.

The Dist. Commr is requested to take further action in the matter, and to submit a report for the information of Govt. that the end of the period regarding the working of the institution.

for [illegible]
for General Secretary

To The Dist. Commr
in Mysore with records
" Comptroller to Govt
" D C Bangalore

Dft II

BRQ

No R. 6559. / Revenue 95-43-5 = 8/5
13/5

To

Muthuwalli Abdul Jaleel,
and others,
Managing Trustees,
Rajasatalam Mosque
No-25, IV Cross Road,
Chamarajpet
Mysore Road,
Bangalore city

With reference to their petition dated 6/12/43 submitted to Minister for Rev & Law, Muthuwalli Abdul Jaleel and other trustees of the institution are informed that Orders have been issued directing that the Rajasatalam mosque, be taken under the management of Govt. for a period of three years.

By Order
for General Secretary

WD 0565—GPB—22,500—8 11-38

R 6560 13/5 Copy with compliments, to the D.C. in Cir. No. dated — By Order
for Secretary to Govt.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

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e a d:-

Petition dated the 6th December 1943 from the Muthuvallies of the Rajapatalam Mosque, Mysore Road, Bangalore City, requesting that the mosque may be taken under the management of government subject to any condition that Government may impose.

2. On-official Note No.Nl-3654/43-44 dated the 20th April 1944 from the Muzrai Commissioner in the matter.

ORDER NO. R 6556-58/muz 95-43-44

Dated, Bangalore, the 13th May 1944.

The Muthuvallis of the above mosque have submitted several representations to government praying that the institution may be taken under the management of Government and the Muzrai Commissioner has also no objection to the request being complied with.

BRG

In the circumstances, Government are pleased to direct that the Rajapatalam Mosque be taken under the management of Government for a period of three years. The Muzrai Commissioner is requested to take further action in the matter.

Secretary to Government,
General Department.

BRG

To.-

The Muzrai Commissioner in Mysore with records.
The Comptroller to the Government of Mysore.
The Deputy Commissioner, Bangalore District.

K.S/4.